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DOCKET NO.: D0188.70126US00


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Darois, et al.  
Serial No.: 09/900,707  
Confirmation No.: 4890  
Filed: July 6, 2001  
For: PROSTHETIC REPAIR FABRIC

Examiner: David A. Bonderer  
Art Unit: 3732

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 22<sup>nd</sup> day of November, 2005.

  
Signature

Mail Stop Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Supplemental Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

Serial No.: 09/900,707  
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Art Unit: 3732

No fee is required. If a fee is required, the Commissioner is hereby authorized to charge  
Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

  
James M. Hanifin, Jr., Reg. No. 39,213  
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Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: D0188.70126US00

Date: 11/22/05  
xxNDDxx



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

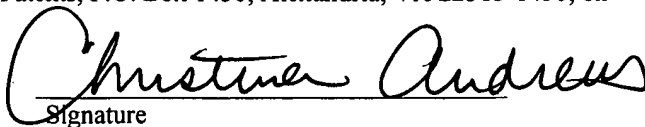
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Signature

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant acknowledges that C.R. Bard has been manufacturing and selling a device under the tradename 3D Max™. A copy of the webpage [www.davol.com/max.htm](http://www.davol.com/max.htm) is enclosed for consideration. The 3D Max™ device has been commercially available since before the filing date of this application.

The Applicant would like to bring to the Examiner's attention the enclosed search reports from PCT/US01/28869, which is the international counterpart of co-pending U.S. Patent Application 09/661/623, and EP 04020837, a European counterpart of co-pending U.S. Patent Application 09/661,623.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified PTO/SB/08):

The relevance of French reference FR 2 145 975 may be determined from its English translation attached thereto.

The relevance of PCT reference WO 01/85060 may be gleaned from its drawings and the English abstract attached thereto.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

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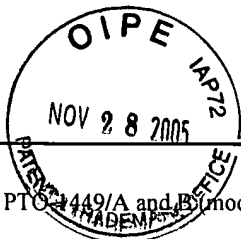
Art Unit: 3732

An early and favorable action is hereby requested.

Respectfully submitted,

By:   
James M. Hanifin, Jr., Reg. No. 39,213  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: D0188.70126US00  
Date: Nov. 22, 2005  
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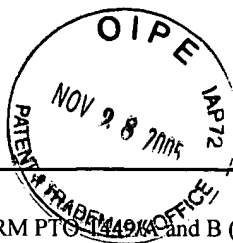
FORM PTO/A and B (modified PTO/SB/08)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 09/900,707		ATTY. DOCKET NO.: D0188.70126US00	
				FILING DATE: July 6, 2001		CONFIRMATION NO.: 4890	
				APPLICANT: Darois, et al.			
				GROUP ART UNIT: 3732		EXAMINER: David A. Bonderer	
Sheet	1	of	2				

#### U.S. PATENT DOCUMENTS

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		4,561,434		Taylor	12/31/1985
		4,865,026		Barrett	09/12/1989
		5,147,374		Fernandez	09-15-1992
		5,201,745		Tayot, et al	04/13/1993
		5,350,388		Epstein	09-27-1994
		5,379,754		Tovey et al.	01-10-1995
		5,451,235		Lock, et al	09/19/1995
		5,524,633		Heaven et al.	06-11-1996
		5,686,090		Schilder, et al	11/11/1997
		5,795,584		Totakura, et al	08/18/1998
		5,948,020		Yoon, et al	09/07/1999
		6,015,844		Harvey, et al	01/18/2000
		6,066,777		Benchetrit	05/23/2000
		6,075,180		Sharber et al.	06/2000
		6,113,623		Sgro	09/05/2000
		6,174,320	B1	Kugel, et al	01/16/2001
		6,224,616	B1	Kugel	05/01/2001
		6,267,772	B1	Mulhauser, et al	07/31/2001
		6,270,530	B1	Eldridge, et al	08/07/2001
		6,280,453	B1	Kugel, et al	08/28/2001
		6,290,708	B1	Kugel, et al	09/18/2001
		6,319,264	B1	Tormala, et al	11/20/2001
		6,368,541		Pajotin et al.	04/2002
		6,383,201	B1	Dong	05/07/02
		6,451,032	B1	Ory et al.	09/17/2002
		6,497,650		Nicolo	12/24/2002
		6,652,595	B1	Nicolo	11/25/2003
		6,565,580	B1	Beretta	05/20/2003

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
		EP	0 474 887	A1	Inoue	10/17/1991	
		EP	0 537 769		Hain et al.	04-15-1998	



FORM PTO/AIA 490 and B (modified PTO/SB/08)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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APPLICATION NO.: 09/900,707

ATTY. DOCKET NO.: D0188.70126US00

FILING DATE: July 6, 2001

CONFIRMATION NO.: 4890

APPLICANT: Darois, et al.

GROUP ART UNIT: 3732

EXAMINER: David A. Bonderer

**FOREIGN PATENT DOCUMENTS**

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		EP	0 692 225	A	Schmitt	01/17/1996	
		FR	2145975		Cutter Laboratories, Inc.	02/23/1973	Y
		WO	01/54589		Rehil	02/08/2001	
		WO	01/85060	A1	Dieudonne, et al	11/15/2001	Abstract
		WO	94/19029	A1	Kranzler, et al	09/01/1994	
		WO	94/27535	A1	Dicesare, et al	12/08/1994	
		WO	96/40307		Villalpando, et al	12/19/1996	
		WO	98/49967	A	Eldridge et al.	11/12/1998	
		WO	99/51163	A1	Tormala, et al	10/14/1999	
		WO	01/08594	A	Nicolo	02/08/2001	

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		GOLDSTEIN, HAROLD, M.D., F.A.C.S.; atrium Polypropylene Mesh, "An Atlas of Hernia Repair Using an Inguinal Hernia Repair Preshape with Keyhole Slit", Atrium Medical Corporation, June 1995, 5 pp.	
		PARVIZ K. AMID et al., "Experimental evaluation of a new composite mesh with the selective property of incorporation to the abdominal wall without adhering to the intestines", Journal of Biomedical Materials Research, Vol. 28, 373-375 (1994).	
		Davol webpage for 3D Max™ <a href="http://www.davol.com/max.htm">www.davol.com/max.htm</a> , printed September 10, 2002.	
		International Search Report, PCT/US01/28869 mailed February 18, 2002.	
		European Search Report, EP 04020837, date of publication January 19, 2005.	

EXAMINER:

DATE CONSIDERED:

# EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]